

Message Text

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ACTION L-02

INFO OCT-01 EUR-08 IO-04 ISO-00 AF-04 ARA-06 EA-06 NEA-06

RSC-01 CIAE-00 DODE-00 PM-03 H-01 INR-05 NSAE-00

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E.O. 11652: N/A

TAGS: UN ICJ

SUBJ: UNGA LEGAL COMITE: REVIEW OF THE ROLE OF THE ICJ

REF: (A) USUN 4372 (B) USUN 3477

1. AS INDICATED REFTEL A, MEXICO, WITH COSPONSORS
KENY AND IVORY COAST, HAS TABLED AMENDMENT WHICH ADDS
FOL PREAMBULAR PARA TO REVIEW OF ROLE OF ICJ RES:

"CONSIDERING ALSO THAT THE INTERNATIONAL COURT OF JUSTICE
SHOULD TAKE INTO ACCOUNT THOSE DEVELOPMENTS IN INTERNATIONAL
LAW REFLECTED IN DECLARATIONS AND RESOLUTIONS ADOPTED
BY THE UNITED NATIONS GENERAL ASSEMBLY."

2. WHILE LANGUAGE IS FAR LESS OBJECTIONABLE THAN ORIGINAL
MEXICAN TEXT, BEGIN BRACKETS (PREAMBULAR PARA 5 IN
REFTEL B). END BRACKETS USDEL PLANS TO SPEAK AGAINST
PROPOSAL, ASKING SPONSORS TO WITHDRAW, ON GROUNDS:

(A) PROPOSAL HAS NO PLACE IN RES OF THIS CHARACTER

(B) THAT INADVISLEDY, PROPOSAL SELECTS ONLY ONE OF MANY
SOURCES WHICH THE COURT SHOULD CONSIDER; AND (C) THAT
THE PROPOSAL DOES THE LATTER IN A SIMPLISTIC AND VAGUELY
DRAFTED FASHION WHICH DOES NOT TAKE DUE ACCOUNT OF THE
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COMPLEX LEGAL QUESTIONS INVOLVED IN THE ADOPTION OF RESOLUTIONS

AND DECLARATIONS, AND THE CONCOMITTANT OBLIGATIONS, IF ANY, WHICH RESULT THEREFROM; (D) THAT PROPOSAL IN UNAMENDED FORM HAD BEEN ACCEPTED AS CONSENSUS BASIS AND IT SHARP PRACTICE AT BEST TO PUT IN AMENDMENT AT THIS STAGE.

3. PROPOSAL WAS SUBJECT OF LATE PM OCT 25 WEO GROUP MEETING. ALL WEOS EXPRESSED OPPOSITION TO PROPOSAL FOR REASONS SET FORTH PARA 1. MOST WEOS EXPRESSED INCLINATION, SUBJECT TO CONFIRMING INSTRUCTIONS, TO VOTE AGAINST PROPOSAL. HOWEVER, NO DELS WERE PREPARED TO SAY HOW THEY WOULD VOTE ON RES AS A WHOLE IF AMENDMENT ADOPTED. SWEDEN EXPRESSLY STATED ITS INSTRUCTIONS CALLED FOR YES VOTE ON RES AS A WHOLE, EVEN IN FACE OF ITS NO VOTE ON MEXICAN AMENDMENT, WHICH PROBABLY WILL BE ADOPTED.

4. UK INDICATED THAT IT WOULD NOT VOTE IN FAVOR OF RESOLUTION IF AMENDED AND N.Z., FRANCE, NETHERLANDS INDICATED INCLINATION VOTE AGAINST OR ABSTAIN.

5. GROUP AGREED MAKE FURTHER TRY TO DISUADE PROPONENTS FROM PRESSING AMENDMENT BUT CAME TO NO CONCLUSION HOW HANDLE SITUATION IF, AS IS LIKELY, MEXICO INSISTS ON PRESSING AMENDMENT.

6. UNLESS DEPT PERCEIVES OBJECTION WE PLAN VOTE AGAINST AMENDMENT AND ABSTAIN ON RESOLUTION UNLESS OVERWHELMING MAJORITY WEO GROUP INCLUDING UK ARE WILLING TO GO ALONG WITH CONSENSUS.
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